

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 231

Introduced by Smith, 48

Read first time January 10, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Police Standards Advisory
2 Council; to amend section 81-1407, Reissue Revised
3 Statutes of Nebraska, and section 81-1417, Revised
4 Statutes Supplement, 2002; to change membership
5 provisions; to harmonize provisions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1407, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1407. (1) The Nebraska Police Standards Advisory
4 Council shall consist of ~~seven~~ eight members appointed by the
5 Governor. ~~Six~~ Seven of the members shall be full-time officers or
6 employees of a law enforcement agency and shall include one
7 representative chief of police or his or her designee from a city
8 of the metropolitan or primary class, a representative chief of
9 police or his or her designee from a city of the first class, a
10 representative chief of police or his or her designee from a city
11 of the second class or village, a county sheriff or his or her
12 designee from a county having a population of forty thousand or
13 more, a county sheriff or his or her designee from a county having
14 a population of forty thousand or less, and a ~~member~~ two members of
15 the Nebraska State Patrol. The ~~seventh~~ eighth member shall be a
16 member of the Jail Standards Board or a person from the public at
17 large. The representative chief of police or his or her designee
18 from a city of the metropolitan or primary class shall not be a
19 regular member of the commission.

20 (2) The members of the council shall serve for terms of
21 four years each. Of the members first appointed, one shall serve
22 for a term of one year, one shall serve for a term of two years,
23 one shall serve for a term of three years, and two shall serve for
24 terms of four years from January 1 next succeeding their
25 appointment. Within ninety days after July 16, 1994, the Governor
26 shall appoint the two additional members who shall serve for terms
27 of four years from January 1 next succeeding their appointment.
28 Within ninety days after the effective date of this act, the

1 Governor shall appoint the additional member of the Nebraska State
2 Patrol who shall serve for a term of four years from January 1 next
3 succeeding his or her appointment. A member may be reappointed at
4 the expiration of his or her term. Any vacancy occurring otherwise
5 than by expiration of a term shall be filled, for the remainder of
6 the unexpired term, in the same manner as the original appointment.
7 The council shall select one of its members as chairperson.

8 (3) No member of the council shall serve beyond the time
9 when he or she holds the office or employment by reason of which he
10 or she was initially eligible for appointment. A member may be
11 removed from the council for cause upon notice and an opportunity
12 to be heard at a public hearing before the Governor. After the
13 hearing, the Governor shall file in the office of the Secretary of
14 State a complete statement of the charges, his or her findings and
15 disposition, together with a complete record of the proceedings.

16 Sec. 2. Section 81-1417, Revised Statutes Supplement,
17 2002, is amended to read:

18 81-1417. (1) The Nebraska Commission on Law Enforcement
19 and Criminal Justice shall consist of eighteen members. The
20 membership shall include the Governor, the Attorney General, the
21 Superintendent of Law Enforcement and Public Safety, the Director
22 of Correctional Services, the chief of police or director of public
23 safety of a city of more than two hundred thousand population, the
24 chief of police or director of public safety of a city of less than
25 two hundred thousand population, a county sheriff, a county
26 attorney, a county commissioner, a mayor or city manager, a person
27 involved with the control or prevention of juvenile delinquency,
28 the chairperson of the Nebraska Police Standards Advisory Council,

1 and six members, at least one of whom shall be a woman, from the
2 public at large. The ~~seven~~ members of the council shall also be
3 considered members of the commission acting as a special committee
4 of the commission with limited powers and duties. A member of the
5 commission may serve concurrently as a member of the council. The
6 term of the district court judge serving on July 20, 2002,
7 terminates on such date.

8 (2) The Governor may increase the membership of the
9 commission at any time if such increase is necessary to comply with
10 the provisions of any federal act providing funds for law
11 enforcement or delinquency prevention purposes. Such members of
12 the commission appointed by the Governor shall serve for terms of
13 six years from January 1 next succeeding their appointments.

14 (3) Except for the Governor, the Attorney General, the
15 Superintendent of Law Enforcement and Public Safety, and the
16 Director of Correctional Services, the members of the commission
17 shall be appointed by the Governor. The membership of the
18 commission shall represent varying geographic areas and large and
19 small governmental subdivisions.

20 Sec. 3. Original section 81-1407, Reissue Revised
21 Statutes of Nebraska, and section 81-1417, Revised Statutes
22 Supplement, 2002, are repealed.